

1 STEVEN B. WOLFSON
2 District Attorney
3 **CIVIL DIVISION**
4 State Bar No. 001565
5 By: **SCOTT R. DAVIS**
6 Deputy District Attorney
7 State Bar No. 010019
8 500 South Grand Central Pkwy.
9 Las Vegas, Nevada 89155-2215
10 Phone (702) 455-4761
11 Fax (702) 382-5178
12 E-Mail: Scott.Davis@ClarkCountyDA.com
13 Attorneys for Defendants *Clark County, Jeff Wells,*
14 *Yolanda King, Sandy Jeantete, and Don Burnette*

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KAREN CALE-POWELL, an individual,)
Plaintiff,) Case No: 2:19-cv-00981-JCM-NJK
vs.)
CLARK COUNTY, a political subdivision)
of the State of Nevada; JEFF WELLS, an)
individual; YOLANDA KING, an)
individual; SANDY JEANTETE, an)
individual; DON BURNETTE, an)
individual; DOES I-X ,)
Defendants.)

TO: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA,
Honorable Brenda Weksler, United States Magistrate Judge;

**REQUEST FOR EXEMPTIONS
FROM ENE ATTENDANCE
REQUIREMENT**

TO: KAREN CALE-POWELL, Plaintiff;
TO: MICHAEL URBAN Esq., her attorney:

Defendants CLARK COUNTY, JEFF WELLS, YOLANDA KING, SANDY
JEANTETE and DON BURNETTE through their attorney STEVEN B. WOLFSON, District
Attorney, by Scott Davis, Deputy District Attorney, in accordance with the Order Scheduling
Early Neutral Evaluation Session (ECF # 13), request exemptions to the attendance
requirements set forth therein as follows:

1 The authority of the Court to schedule an Early Neutral Evaluation (“ENE”) is found
2 in LR 16-6. The issue of representation by a public body defendant at a settlement
3 conference was addressed by the Advisory Committee to the Federal of Rules of Civil
4 Procedure in 1993. The Advisory Committee noted with regard to ordering the appearance of
5 a governmental entity, as follows:

6 Particularly in litigation in which governmental agencies or large
7 amounts of money are involved, there may be no one with on-
the-spot settlement authority, and the most that should be
8 expected is **access to a person who would have a major role in**
submitting a recommendation to the body or board with
9 ultimate decision-making authority. The selection of the
appropriate representative should ordinarily be left to the party
10 and its counsel.

11 Advisory Committee Note to 1993 Amendments to Fed. R. Civ. P. 16(c)(9) (emphasis
12 added.)

13 In this case, a seven-member Board of County Commissioners for Clark County has
14 the ultimate authority to settle the case on behalf of Clark County. Defendant Clark County
15 requests exception from attendance by the Board of County Commissioners pursuant to LR
16 16-6(e). Les Lee Shell, the Risk Manager for Clark County is the appropriate representative
17 and will attend the ENE. In addition, Clark County Human Resources Manager Sandy
18 Jeantete and Clark County Assistant County Manager Jeff Wells will be in attendance on
19 behalf of Clark County.

20 In addition representation to the individual defendants is being provided by Clark
21 County pursuant to NRS 41.0349. This section provides for indemnification. On these
22 grounds it is not necessary for Defendants Burnette and King to attend as any financial
23 considerations relative to settlement will be made by Clark County and the representatives of
24 Clark County who will be in attendance.

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CONCLUSION

2 Based upon the foregoing, Defendants request an exception to the attendance
3 requirements for the ENE to excuse the attendance of the Clark County Board of County
4 Commissioners and to excuse the attendance of the Defendants Burnette and King. The
5 appropriate personnel from Clark County for settlement discussions will be in attendance at
6 the ENE.

DATED this 2nd day of August 2019.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

By: /s/ Scott R. Davis
SCOTT R. DAVIS
Deputy District Attorney
State Bar No. 010019
500 South Grand Central Pkwy. 5th Flr.
Las Vegas, Nevada 89155-2215
Attorneys for Defendants *Clark County, Jeff Wells, Yolanda King, Sandy Jeantete, and Don Burnette*

IT IS SO ORDERED

DATED: August 14, 2019

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 2nd day of August, 2019, I served a true and correct copy of the foregoing **Request for Exemptions From ENE Attendance Requirement** (United States District Court Pacer System or the Eighth Judicial District Court Wiznet), by e-mailing the same to the following recipients. Service of the foregoing document by e-mail is in place of service via the United States Postal Service.

THE URBAN LAW FIRM
Michael A. Urban, Esq.
4270 S. Decatur Blvd., Suite A-9
Las Vegas, NV 89103
Email: murban@theurbanlawfirm.com
Attorney for Plaintiff

/s/ Aisha A. Rincon
An Employee of the Clark County District
Attorney's Office – Civil Division